

ASSEMBLY BILL

No. 1026

Introduced by Assembly Member Quirk

February 22, 2013

An act to amend Section 25249.8 of the Health and Safety Code, relating to toxic chemicals.

LEGISLATIVE COUNSEL'S DIGEST

AB 1026, as introduced, Quirk. Toxic chemicals: listing.

The existing Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) prohibits any person, in the course of doing business, from knowingly and intentionally exposing any individual to a chemical known to the state to cause cancer or reproductive toxicity without giving a specified warning, or from discharging or releasing such a chemical into any source of drinking water, except as specified. Proposition 65 requires the Governor to publish a list of those chemicals on or before March 1, 1987, that includes, at a minimum, substances identified as hazardous for the purposes of occupational safety and health laws and to revise the list annually.

This bill would make technical, nonsubstantive changes to the above provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25249.8 of the Health and Safety Code
2 is amended to read:

1 ~~25249.8. List Of Chemicals Known to Cause Cancer Or~~
2 ~~Reproductive Toxicity.~~

3 (a) On or before March 1, 1987, the Governor shall cause to be
4 published a list of those chemicals known to the state to cause
5 cancer or reproductive toxicity within the meaning of this chapter,
6 ~~and he the Governor shall cause such the~~ list to be revised and
7 republished in light of additional knowledge at least once per year
8 thereafter. ~~Such The~~ The list shall include at a minimum those
9 substances identified by reference in *paragraph (1) of subdivision*
10 *(b) of Section 6382 of the Labor Code* ~~Section 6382(b)(1)~~ and those
11 substances identified additionally by reference in *subdivision (d)*
12 *of Section 6382 of the Labor Code* ~~Section 6382(d)~~.

13 (b) A chemical is known to the state to cause cancer or
14 reproductive toxicity within the meaning of this chapter if in the
15 opinion of the state's qualified experts it has been clearly shown
16 through scientifically valid testing according to generally accepted
17 principles to cause cancer or reproductive toxicity, or if a body
18 considered to be authoritative by ~~such those~~ experts has formally
19 identified it as causing cancer or reproductive toxicity, or if an
20 agency of the state or federal government has formally required it
21 to be labeled or identified as causing cancer or reproductive
22 toxicity.

23 (c) On or before January 1, 1989, and at least once per year
24 thereafter, the Governor shall cause to be published a separate list
25 of those chemicals that at the time of publication are required by
26 state or federal law to have been tested for potential to cause cancer
27 or reproductive toxicity but that the state's qualified experts have
28 not found to have been adequately tested as required.

29 (d) The Governor shall identify and consult with the state's
30 qualified experts as necessary to carry out ~~his the Governor's~~ duties
31 under this section.

32 (e) In carrying out the duties of the Governor under this section,
33 the Governor and ~~his the Governor's~~ designates shall not be
34 considered to be adopting or amending a regulation within the
35 meaning of the Administrative Procedure Act, as defined in *Section*
36 *11370 of the Government Code* ~~Section 11370~~.